

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

<p>HALL, DOROTHY AND THOMAS,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, SANOFI-AVENTIS U.S. L.L.C., SANOFI- AVENTIS U.S., INC., SANOFI- SYNTHELABO, INC.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-5203 (FLW-TJB)</p> <p>RECEIVED</p> <p>MAR 29 2010</p> <p>AT 8:30 WILLIAM T. WALSH CLERK</p>
<p>LABARRE, ELOISE, As Surviving Spouse and Administratrix of the Estate of EDWARD CLYDE LABARRE, Deceased,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-6050 (FLW-TJB)</p>
<p>MOSCINSKI, DAVID AND SHARON,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-6055 (FLW-TJB)</p>

<p>BEGLEY, PATRICIA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-6051 (FLW-TJB)</p>
<p>NABER, MICHAEL,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-6269 (FLW-TJB)</p>
<p>BUNTING, LLOYD AND THELMA,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No: 3:06-cv-6052 (FLW-TJB)</p>
<p>SMITH, ORVILLE,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:06-cv-6053 (FLW-TJB)</p>

<p>ROBINSON, CONSTANCE, As Surviving Spouse and Administratrix of the Estate of LEONARD ROBINSON, Deceased,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-267 (FLW-TJB)</p>
<p>BARGE, PHILLIP,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-783 (FLW-TJB)</p>
<p>COOPER, DEMPSEY EUGENE,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-885 (FLW-TJB)</p>
<p>ADKINS, JAMES,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-901 (FLW-TJB)</p>

MATTSON, SHARON, Plaintiff, vs. BRISTOL-MYERS SQUIBB COMPANY, et al., Defendants.	Civil Action No.: 3:07-cv-908 (FLW- TJB)
GONZALEZ, ERIBERTO, Plaintiff, vs. BRISTOL-MYERS SQUIBB COMPANY, et al., Defendants.	Civil Action No.: 3:07-cv-902 (FLW- TJB)
CARR-DAVIS, JULIA, as Surviving Spouse and Administratrix of the Estate of RALPH R. CARR, Deceased, Plaintiff, vs. BRISTOL-MYERS SQUIBB COMPANY, et al., Defendants.	Civil Action No.: 3:07-cv-1098 (FLW- TJB)
MONEY, DALE, Plaintiff, vs. BRISTOL-MYERS SQUIBB COMPANY, et al., Defendants.	Civil Action No.: 3:07-cv-1100 (FLW-TJB)

<p>RUTLEDGE, BILLY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1099 (FLW-TJB)</p>
<p>MAYBERRY, JERRY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-942 (FLW-TJB)</p>
<p>SOLOMON, RONALD W.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1102 (FLW-TJB)</p>
<p>BOOTH, LORAINÉ,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1180 (FLW-TJB)</p>

<p>GOLDENBOGEN, ROGER,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1188 (FLW-TJB)</p>
<p>NEWELL, GWENDOLYN,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1184 (FLW-TJB)</p>
<p>STREET, JOHN,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1182 (FLW-TJB)</p>
<p>DAWKINS, JR., GEORGE,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BRISTOL-MYERS SQUIBB COMPANY, et al.,</p> <p>Defendants.</p>	<p>Civil Action No.: 3:07-cv-1186 (FLW-TJB)</p> <p>JOINT DISCOVERY SCHEDULE</p> <p>(PROPOSED)</p>

Plaintiffs, by and through their attorneys The Miller Firm, LLC and Hersh and Hersh, PC and Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S., L.L.C., Sanofi-Aventis U.S., Inc., and Sanofi-Synthelabo, Inc. (hereinafter "Defendants"), by and through their attorneys, Sedgwick, Detert, Moran & Arnold LLP, in accordance with the guidance offered by the Honorable Tonianne J. Bongiovanni, U.S.D.C.M.J., on February 18, 2010 at the Initial Scheduling Conference, hereby supplement the Initial Discovery Plans served on February 2, 2010 to include the following proposed Joint Discovery Schedule:

I. DESCRIPTION OF DISCOVERY NEEDS

The Parties request, at a minimum, that the following discovery be conducted in phases as noted below:

Phase One: Fact Discovery:

- i) disclosure of all Rule 26 documents;
- ii) answers by each Plaintiff to Defendants' Initial Discovery Demands¹, including the production of documents and authorizations responsive to the requests contained in the Discovery Demands;
- ii) answers by each Plaintiff to the List of Medical Providers and Other Sources of Information;
- iii) answers by Defendants to the Plaintiffs' Initial Request for Production of Documents, including the production of responsive documents; and

Phase Two: Fact Witness Depositions

- i) the deposition of each Plaintiff;
- ii) the deposition(s) of each Plaintiff's prescribing physician(s);

¹ Defendants have proposed using a Plaintiff Fact Sheet in lieu of serving separate interrogatories, requests for production of documents and requests for authorizations in this litigation. Plaintiffs, however, have objected to the use of this Fact Sheet. Although the parties are attempting to resolve their differences on this issue, it may be necessary to seek the Court's assistance in this regard.

- iii) the deposition(s) of each Plaintiff's treating physician(s);
- iv) the deposition(s) of any supplemental fact witnesses for each Plaintiff, including but not limited to, each Plaintiff's spouse (if applicable), family members (if applicable), and employer (if applicable);
- v) the deposition(s) of Defendants' employees and/or corporate representatives; and
- vi) the depositions(s) of any supplemental fact witness identified by defendants (if applicable).

Phase Three: Expert Discovery:

- i) the production of expert reports in support of all claims; and
- ii) the depositions of these experts.

Phase Four: Pretrial Motions and Other Trial Preparation:

- i) the filing of dispositive motions;
- ii) the filing of motions in limine; and
- iii) the exchange of pretrial disclosures.

The Parties anticipate that fact discovery will take approximately one year and expert discovery will take approximately six more months thereafter to complete. The remainder of the schedule would then be dedicated to the handling of pretrial motions and exchange of pretrial disclosures.

Given the complexity of this litigation, the number of documents and witnesses potentially involved and the present uncertainty as to the scope of this litigation, the Parties believe that each phase of discovery should be handled separately and that upon completion of each phase, the Parties should meet and confer with regard to the scheduling of the next phase and then meet with the Court to: (1) provide a status report; (2) discuss any actual or potential discovery issues; and (3) confirm the deadlines for the next phase of discovery. In addition, should problems arise during any Phase of discovery, the Parties will notify the Court and, with the Court's assistance, determine an appropriate

process for resolving the dispute. Along these lines, the Parties offer the following deadlines for the completion of Phase One of the Discovery Plan:

II. ESTIMATED TIME TO COMPLETE DISCOVERY

Discovery - - Phase One - - Fact Discovery

The deadlines for fact discovery are as follows:

- Deadline to serve initial written discovery requests: **March 30, 2010**
- Plaintiffs' deadline to serve Rule 26 initial disclosure documents, including, among other things, the documents upon which plaintiffs relied in determining whether plaintiffs had a viable claim and any medical and pharmaceutical records they have in their possession related to the twenty-three plaintiffs referred to during the initial scheduling conference: **April 30, 2010**
- Plaintiffs' deadline to respond to Defendants' Initial Discovery Demands and provide all authorizations and records requested in these Discovery Demands: **May 30, 2010**
- Defendants' deadline to respond to Plaintiffs' Initial Request for Production of Documents: **May 30, 2010**
- Plaintiffs' deadline to file Amended Complaints: **May 30, 2010**
- *Telephone Conference (Plaintiff to Initiate) July 20, 2010 at 11AM*
- Defendants will, on a rolling basis, produce (or make available for inspection) relevant, non-privileged documents in accordance with Rule 26 and in response to any written discovery request served by Plaintiffs. Defendants' will begin the rolling production of (or make available for inspection) relevant, non-privileged responsive documents - including the Plavix® Cardiovascular and Renal Drugs Advisory Committee Meeting Transcript; the Plavix® product labels; the Plavix® IND; the Plavix® NDA; the Plavix® Annual Reports; the Plavix® PSURs/PADRs; the Plavix® promotional materials; and the custodial records of the top fifteen Plavix® custodians - subject to the entry of an appropriate protective order, on: **May 30, 2010**, with productions continuing through at least **September 30, 2010**
- Parties deadline to meet and confer regarding the scheduling of Phase Two Discovery and submit their proposed deadlines to the Court: **September 15, 2010**
- Phase Two Scheduling Conference with the Honorable Tonianne Bongiovanni, U.S.D.C.M.J.: **September 30, 2010. at 11AM Plaintiff to Initiate**

Discovery - - Phase Two - - Fact Witness Depositions

Upon the completion of fact discovery, fact witness depositions may be conducted by the parties. The deadlines for fact witness depositions are as follows:

- Deadline to complete plaintiff depositions: **TBD**
- Deadline to complete prescribing physician depositions: **TBD**
- Deadline to complete Defendant company witness depositions (which, absent good cause shown, shall be limited to 12): **TBD**
- Deadline to complete fact witness depositions, third party discovery and any additional fact discovery: **TBD**
- Parties deadline to meet and confer regarding the scheduling of Phase Three Discovery and submit their proposed deadlines to the Court: **TBD**
- Phase Three Scheduling Conference with the Honorable Tonianne J. Bongiovanni, U.S.D.C.M.J.: **TBD**.

Discovery - - Phase Three - - Expert Discovery

Upon the completion of fact discovery and fact witness depositions, expert discovery may be conducted by the parties. The deadlines for expert discovery are as follows:

- Plaintiffs' deadline to designate expert witnesses and provide Rule 26(a)(2) disclosure of expert testimony: **TBD**
- Defendants' deadline to schedule independent medical examinations of Plaintiffs: **TBD**
- Defendants' deadline to designate expert witnesses and provide Rule 26(a)(2) disclosure of expert testimony: **TBD**
- Deadline to serve Plaintiffs independent medical examination reports: **TBD**
- Deadline to serve supplemental expert reports: **TBD**
- Deadline to complete expert witness depositions and additional expert discovery: **TBD**
- Parties deadline to meet and confer regarding the scheduling of Phase Four Discovery and submit their proposed deadlines to the Court: **TBD**
- Phase Four Scheduling Conference with the Honorable Tonianne Bongiovanni, U.S.D.C.M.J.: **TBD**.

Discovery - - Phase Four - - Pretrial

Upon the completion of fact and expert discovery, dispositive motions, pretrial disclosures, and all other trial preparation shall be conducted by the parties. The deadlines for these pretrial requirements are as follows:

Deadline to file Dispositive Motions: **TBD**

Pretrial Conference Date: **TBD**

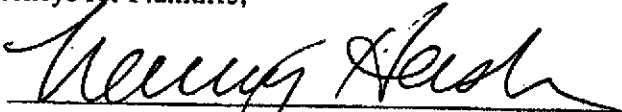
Trial Date: **TBD**

THE MILLER FIRM, LLC
Attorneys for Plaintiffs,

By: _____

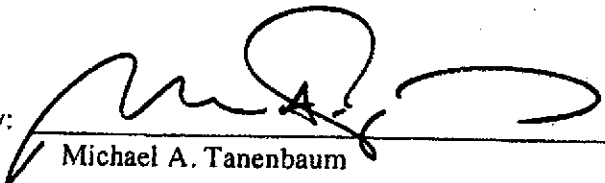
Michele DiMartino, Esq.

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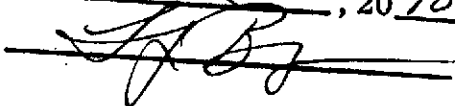
Nancy Hersh, Esq.

SEDGWICK, DETERT, MORAN & ARNOLD LLP
Attorneys for Defendants

By:  _____
Michael A. Tanenbaum

Date: March 12, 2010

So Ordered this 29 day
of March, 20 10




Discovery - - Phase Four - - Pretrial

Upon the completion of fact and expert discovery, dispositive motions, pretrial disclosures, and all other trial preparation shall be conducted by the parties. The deadlines for these pretrial requirements are as follows:

- Deadline to file Dispositive Motions: **TBD**
- Pretrial Conference Date: **TBD**
- Trial Date: **TBD**

THE MILLER FIRM, LLC
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By: _____


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Michael A. Tanenbaum

Date: March 12, 2010